

REMARKS

The outstanding Office Action addresses claims 1-12 and 14-21. Claims 5, 6, 8-12 and 14-16 have been withdrawn from consideration as being drawn to a nonelected species. Claims 1-4, 7 and 17 are objected to as containing patentable subject matter, but depending from a rejected base claim. Claims 2, 3, 7 and 17 stand rejected as indefinite under 35 U.S.C. § 112, ¶2, and claims 21 and 18-20 stand rejected as being anticipated under 35 U.S.C. § 102(b).

In response, and as further discussed below, Applicant cancels claim 1, and amends claim 21 to incorporate subject matter from canceled claim 1. Applicant further cancels claims 5, 6, 8-12 and 14-16, which were withdrawn from consideration, without prejudice. Claims 2-4, 7, 17 and 21 are amended.

Applicant respectfully requests reconsideration and withdrawal of all of the pending rejections in view of the amendments and the remarks presented below.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 2, 3, 7, and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

The Examiner rejected claims 2 and 3 as indefinite because it is alleged that it is unclear how an “edge” can form a plane with an “extension.” The claims have been amended to remove the offending language by instead reciting a centralized vertical dimension and left and right lateral portions, each comprising surfaces lying in a respective plane. Claim 3 goes onto to recite that the respective planes each form an

angle of about 0 to 60 degrees below a reference plane orthogonal to said centralized vertical dimension. It is respectfully submitted that this language is definite, and overcomes the alleged lack of clarity raised by the Examiner.

Claim 7 was rejected for grammatical incorrectness. The claim has been amended to correct any errors.

Lastly, claim 17 was rejected as being inaccurate. Applicant has adopted the Examiner's suggestion to include language referring to the cross sectional shape of the claimed device.

It is respectfully submitted that all outstanding rejections under 35 U.S.C. § 112, second paragraph have been overcome, and reconsideration is hereby requested.

Rejection under 35 U.S.C. § 102(b) over Schmidt

Claims 21 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schmidt (U.S. 4,520,821), as cited on the PTO-892 accompanying the outstanding action.¹ Claim 21 has been amended to include limitations previously present in claim 1 (now canceled), which was indicated as containing allowable subject matter.

Specifically, claim 21 now requires that the device further comprise an elongated centralized vertical dimension, said centralized vertical dimension comprising a horizontal axis, and a left and a right lateral portion along said horizontal axis. The

¹ The official action references U.S. 5,290,217, apparently in error. This patent number does not correspond to the Schmidt et al. patent apparently referred to in the office action.

Schmidt et al. reference does not contain any such features. Schmidt et al. discloses only a mesh or gauze with no specific structure.

Applicant has made minor changes to the language previously appearing in claim 1 to more clearly claim the invention. Specifically, the centralized vertical "extension" has been changed to --dimension-- and the lateral "extensions" have been changed to --portions-- to avoid previously-discussed alleged problems with definiteness. It is respectfully submitted that the claims in their present form are allowable, without admitting to the propriety of the outstanding rejection.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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